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Transcription Communications Corporation

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

TRANSCRIPTION COMMUNICATIONS CORPORATION, a California corporation, Plaintiff,
v.
JOHN MUIR HEALTH, dba JOHN MUIR MEDICAL CENTER and MOUNT DIABLO MEDICAL CENTER, a California corporation, et al., Defendants. Case No. 08-CV-04418 THE
STIPULATION REGARDING CONTINUING HEARING DATE ON DEFENDANTS' MOTIONS TO DISMISS AND CASE MANAGEMENT CONFERENCE; ORDER THEREON
Complaint Filed: July 7, 2008
Removal Filed: September 22, 2008
Judge: Hon Thelton E. Henderson
Courtroom: 12

Plaintiff Transcription Communications Corporation (“TCC” or “Plaintiff”), defendant John Muir Health (“JMH”), and defendants Focus Enterprises Limited (“Focus”), eScription, Inc. (“eScription”), and Nuance Communications, Inc. (“Nuance”), by and through their respective counsel, hereby enter into this “Stipulation Regarding Continuing Hearing Date on Defendants’ Motions to Dismiss and Case Management Conference” with reference to the following:

RECITALS

1. On September 22, 2008, this Court, by its Order Setting Initial Case Management Conference and ADR Deadlines, set the initial Case Management Conference in this matter for January 6, 2009.

1 2. On September 24, 2008, this Court filed a Clerk's Notice Rescheduling
 2 Hearing, rescheduling the initial Case Management Conference in this matter for January 5,
 3 2009.

4 3. On October 16, 2008, Plaintiff filed a First Amended Complaint for
 5 Breach of Contract, Intentional Interference With Contractual Relations, Intentional Interference
 6 With Prospective Economic Advantage, and Violation of 18 U.S.C. Section 1962(c) (RICO).

7 4. On October 31, 2008, defendant John Muir filed a Motion to Dismiss
 8 Plaintiff's First Amended Complaint. The hearing on this Motion to Dismiss was initially set for
 9 December 8, 2008.

10 5. On November 3, 2008, defendants Focus, eScription, and Nuance filed an
 11 Ex Parte Application for Extension of Time to Respond to First Amended Complaint and to Set
 12 Briefing Schedule ("Ex Parte Application"), accompanied by a Stipulation to Briefing Schedule
 13 for Defendants' Motion to Dismiss Plaintiff's First Amended Complaint. The Ex Parte
 14 Application requested a briefing schedule for defendants Focus, eScription, and Nuance's motion
 15 to dismiss that would require defendants' motion to dismiss to be filed on or before December 1,
 16 TCC's opposition brief to be filed on or before December 15, 2008, and any reply brief to
 17 be filed on or before December 22, 2008. The Ex Parte Application also requested defendants'
 18 motion to dismiss be heard on January 12, 2009.

19 6. On November 4, 2008, defendants Focus, eScription, and Nuance's Ex
 20 Parte Application was granted by this Court.

21 7. On November 26, 2008, this Court issued an Order Continuing Hearing,
 22 rescheduling the hearing for defendant John Muir's Motion to Dismiss for January 12, 2009,
 23 such that all defendants' motions to dismiss would be heard on the same day.

24 8. On December 1, 2008, defendants Focus, eScription, and Nuance filed a
 25 Motion to Dismiss TCC's First Amended Complaint.

26 9. The parties now desire (a) to reschedule the initial Case Management
 27 Conference such that it would occur after the defendants' motions to dismiss have been heard, as
 28 this Court's disposition of the motions to dismiss may bear upon various issues to be addressed

1 at the initial Case Management Conference; and (b) to reschedule the hearings on defendants' 2 motions to dismiss, as Plaintiff's counsel has a scheduling conflict on January 12, 2009.

3 10. All parties have met and conferred with regard to rescheduling the 4 hearings on the defendants' motions to dismiss and the initial Case Management Conference in 5 this matter, and have reached an agreement as to appropriate dates for each that would resolve 6 the aforementioned scheduling conflicts and efficiency concerns.

7 **STIPULATION**

8 In light of the foregoing Recitals, the parties stipulate as follows:

9 1. The hearings on (a) defendant John Muir's Motion to Dismiss Plaintiff's 10 First Amended Complaint; and (b) defendants Focus, eScription, and Nuance's Motion to 11 Dismiss TCC's First Amended Complaint, shall both be continued to February 2, 2009.

12 2. The briefing schedule relating to defendants Focus, eScription, and 13 Nuance's Motion to Dismiss TCC's First Amended Complaint shall not change as a result of this 14 continuance.

15 3. The initial Case Management Conference in this matter shall be continued 16 to March 9, 2009.

17 4. The deadlines associated with the initial Case Management Conference as 18 set forth in the Court's Order Setting Initial Case Management Conference and ADR Deadlines 19 shall be changed in accordance with the continuance of the Case Management Conference to 20 March 9, 2009. Accordingly, the deadline to meet and confer regarding initial disclosures, early 21 settlement, ADR process selection, and discovery plan, and to file ADR Certification signed by 22 parties and counsel, and to file either Stipulation to ADR Process or Notice of Need for ADR 23 Phone Conference shall be February 23, 2009. The deadline to file Rule 26(f) Reports, complete 24 initial disclosures or state objections in Rule 26(f) Reports and file Case Management Statements 25 shall be March 2, 2009.

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28 ///

1 Dated: December 5, 2008

MENNEMEIER, GLASSMAN & STROUD LLP
KENNETH C. MENNEMEIER
LANDON D. BAILEY

2 By:

Kenneth C. Mennemeier
Kenneth C. Mennemeier, Attorneys for Plaintiff
Transcription Communications Corporation

3 Dated: December 4, 2008

HANSON BRIDGETT LLP

4 By:

Batya F. Swanson
Batya F. Swanson
Adam W. Hofmann
Attorneys for Defendant John Muir Health

5 Dated: December , 2008

WILSON SONSINI GOODRICH & ROSATI
Professional Corporation

6 By:

Brian G. Mendonca, Attorneys for Defendants
Focus Infomatics, Inc., eScription, Inc. and Nuance
Communications, Inc.

7 **ORDER**

8 PURSUANT TO STIPULATION, IT IS SO ORDERED.

9 Dated: December , 2008

10 THELTON E. HENDERSON, JUDGE
11 UNITED STATES DISTRICT COURT

1 Dated: December , 2008

MENNEMEIER, GLASSMAN & STROUD LLP
KENNETH C. MENNEMEIER
LANDON D. BAILEY

3 By: _____

4 Kenneth C. Mennemeier, Attorneys for Plaintiff
5 Transcription Communications Corporation

6 Dated: December , 2008

HANSON BRIDGETT LLP

7 By: _____

8 Batya F. Swenson
Adam W. Hofmann
9 Attorneys for Defendant John Muir Health

10 Dated: December 9, 2008

11 By: _____
12 WILSON SONSINI GOODRICH & ROSATI
13 Professional Corporation

14 By: B. M.
15 Brian G. Mendonca, Attorneys for Defendants
16 Focus Infomatics, Inc., eScripture, Inc. and Nuance
17 Communications, Inc.

18 **ORDER**

19 PURSUANT TO STIPULATION, IT IS SO ORDERED.

20 Dated: December 8, 2008

